

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEROME DERNS

v.

MARK CAPOZZA, ET AL.

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CIVIL ACTION NO. 19-1509

ORDER

This 13th day of November, 2020, upon independent consideration of the pleadings and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, as well as consideration of Petitioner's Objections to the Report and Recommendation, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DENIED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

/s/ Gerald Austin McHugh
United States District Judge